

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Cheryl Sagataw, DeAnthony Barnes, Travis Neloms, and Roberta Strong *on behalf of themselves and a class of similarly-situated individuals,*

File No. 24-cv-001 (ECT/TNL)

Plaintiffs,

ORDER

v.

Mayor Jacob Frey, *in his individual and official capacity,*

Defendant.

Plaintiffs filed a Second Motion for Temporary Restraining Order on February 20, 2024. ECF No. 31. In this motion, Plaintiffs seek to enjoin Mayor Frey from: “Evicting, bulldozing, clearing, sweeping, dismantling, demobilizing, removing infrastructure, or ceasing services to Camp Nenookaasi, the encampment of unhoused individuals *located between 11th and 12th Avenues on 28th Street, Minneapolis Minnesota.*” *Id.* ¶ 1(a) (emphasis added). A hearing on the motion is scheduled for Thursday, March 14, beginning at 9:00 a.m.

As Mayor Frey pointed out in his response to the motion, on February 29, “a massive fire broke out” at the camp, “burning [it] to the ground.” ECF No. 51 at 4. This event was the subject of extensive news coverage. *See, e.g.,* Louis Krauss & Andy Mannix, *Large Fire Destroys South Minneapolis Homeless Encampment*, Star Tribune, Feb. 29, 2024, <https://www.startribune.com/large-fire-erupts-at-south-minneapolis-homeless->

encampment/600347180/. And the camp announced the event's occurrence via the camp's X account. Camp Nenookaasi (@campnenookaasi), X (Feb. 29, 2023, 3:30 p.m.) <https://twitter.com/campnenookaasi/status/1763315905486885276> ("Camp was destroyed by a large fire today.").

Because the camp is no longer "located between 11th and 12th Avenues on 28th Street, Minneapolis Minnesota," the question arises whether Plaintiffs' Second Motion for a Temporary Restraining Order is moot. Plaintiffs have not withdrawn their Second Motion for Temporary Restraining Order, perhaps implying they take the position that the motion is not moot. If Plaintiffs intend to proceed with the motion, the mootness question deserves to be addressed in a filed brief prior to the March 14 hearing.

Therefore, based on the foregoing, and on all the files, records, and proceedings herein, **IT IS ORDERED THAT**, absent withdrawal of Plaintiffs' Second Motion for Temporary Restraining Order [ECF No. 31], Plaintiffs shall file a memorandum addressing the mootness question. The memorandum shall not exceed 3,000 words in length and shall be filed on or before **Friday, March 8, 2024**.

Dated: March 4, 2024

s/ Eric C. Tostrud

Eric C. Tostrud
United States District Court